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HOUSE BILL 531

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Jim R. Trujillo

AN ACT

RELATING TO HEALTH; ESTABLISHING CERTAIN DEPARTMENT OF HEALTH  
DUTIES PERTAINING TO PERSONS LIVING WITH THE HUMAN  
IMMUNODEFICIENCY VIRUS AND ACQUIRED IMMUNE DEFICIENCY SYNDROME;  
CREATING A MEDICAL ADVISORY COMMITTEE; CREATING AN INDEPENDENT  
OMBUDSMAN.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE. -- This act may be cited as the  
"Billy Griego HIV and AIDS Act".

Section 2. PURPOSE. -- The purpose of the Billy Griego HIV  
and AIDS Act is to ensure that consumers are the focus of the  
funding and services provided and their consideration is to be  
the determining factor in all the state's human  
immunodeficiency virus and acquired immune deficiency syndrome  
programs.

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1           Section 3.   DEPARTMENT OF HEALTH--DUTIES.--The department  
2 of health shall serve as the state's human immunodeficiency  
3 virus and acquired immune deficiency syndrome service  
4 coordinator among all state agencies, providing direct and  
5 contract education and prevention and treatment services for  
6 eligible persons, subject to the availability of funds. The  
7 department shall serve as the state contract administrator for  
8 federal Ryan White services funding as well as for all federal  
9 centers for disease control and prevention human  
10 immunodeficiency virus and acquired immune deficiency syndrome  
11 programs. Services shall include prevention, clinical  
12 services, a drug assistance and insurance assistance program to  
13 eligible individuals and programs appropriate for Native  
14 Americans, including traditional medicine services. Services  
15 shall be delivered in a consumer-oriented model. The  
16 department of health shall include a quality assurance  
17 component in all services and shall ensure that all clients are  
18 educated about their rights and responsibilities and the  
19 department's grievance procedures.

20           Section 4.   MEDICAL ADVISORY COMMITTEE CREATED--  
21 MEMBERSHIP--DUTIES.--

22           A. There is created at the department of health a  
23 "medical advisory committee" to consist of seven members,  
24 chaired by the department's chief medical officer or the  
25 officer's designee. Committee membership shall consist of four

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1 physicians and two consumers with current experience in the  
2 treatment of human immunodeficiency virus and acquired immune  
3 deficiency syndrome.

4 B. The committee shall review the department of  
5 health's human immunodeficiency virus and acquired immune  
6 deficiency syndrome drug formulary and policies regarding  
7 selection, utilization and provision of those drugs and  
8 recommend changes as appropriate to the department of health  
9 and report its recommendations to the governor's HIV and AIDS  
10 policy commission.

11 Section 5. INDEPENDENT CONSTITUENT SERVICES PROGRAM -  
12 DUTIES. -- An independent "constituent services program" is  
13 created. The program shall review all fiscal matters and  
14 record and review all complaints and requests for services that  
15 come to its attention about public programs and services for  
16 persons living with the human immunodeficiency virus and  
17 acquired immune deficiency syndrome statewide. The program  
18 shall make an annual report to the department of health by  
19 November 1 of each year on its activities and recommendations.

20 Section 6. ANNUAL REPORT-- POLICIES AND PROCEDURES. --

21 A. The department of health shall provide an annual  
22 report on activities and expenditures conducted pursuant to the  
23 Billy Griego HIV and AIDS Act. The report shall be submitted  
24 no later than December 15 to the legislature and the governor.

25 B. The department of health shall develop and

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1 annually review policies and procedures pertaining to the Billy  
2 Griego HIV and AIDS Act.

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